



COUNTY OF PERTH

Corporate Services Department

Provincial Offences Court Service Division

2022-2024 Business Plan

November 2021

Table of Contents

- Preamble 1
- Service Strategy 2
- Key Stakeholders 2
- Core Businesses/Services..... 3
- Legislated Standards..... 4
- Program Maps 5
- Major Initiatives for 2022, 2023, 2024 5
- Key Linkages with Strategic Plan 7
- Program Delivery Plan..... 7
 - How will the program be delivered and at what level? 7
 - What changes will impact program delivery in the future?..... 8
- FTE Variances..... 8
- Training and Development 9
- Comments 9

Business Plan 2022-2024

Provincial Offences Division

August 2021

Questions should be directed to the Manager of Court Services.

Preamble

In Ontario, the court system comprises three distinct courts: the Ontario Court of Justice, the Superior Court of Justice, and the Ontario Court of Appeal. The Provincial Offences Division of the Corporate Services Department operates the Provincial Offences (POA) court, which is a division of the Ontario Court of Justice.

The purpose of the Provincial Offences Division is to provide administrative support to:

- the Ontario Court of Justice – Provincial Offences Court
- the judiciary
- other court offices
- general public
- enforcement agencies
- legal profession

The Provincial Offences Division answers inquiries and responds to requests from the general public in relation to offences committed under the legislation governed by the *Provincial Offences Act*. There is a large volume of data entry and processing of payments. Accuracy is of paramount importance to this office since errors can affect a large number of stakeholders.

The Provincial Offences Division administers charges, conviction, and enforcement for over 150 statutes. While the greatest volume of charges are under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, other administered charges are under such statutes as the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c. C.25, *Liquor Licence Act*, R.S.O. 1990, c. L.19, *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, *Retail Sales Tax Act*, R.S.O. 1990, c. R.31, *Environmental Protection Act*, R.S.O. 1990, c. E.19, *Cannabis Act*, S.C. 2018. C. 16, etc. including all municipal bylaws and parking.

As part of the Local Service Realignment Review of 2000, Provincial Offences Administration was downloaded from the Province in March 2000 through a Memorandum of Understanding between the Ministry of the Attorney General and the County of Perth. The County of Perth also entered into an inter-municipal Service

Agreement with the municipalities within the geographic Perth County, formalizing the County of Perth as the service provider for the Provincial Offences Court.

Service Strategy

The primary function of the division is to serve the Ontario Court of Justice – Provincial Offences. This is executed by office procedures guiding job function rotation as a guideline for priority of service. Clerks are to provide professional, accurate, impartial, and timely service in the following order:

1. Person present at the counter.
2. Telephone.
3. Fax/e-mail/voice mail/correspondence.

The priority of service is reinforced throughout training and operations.

The County of Perth Provincial Offences Court Services Division has opted in to the Early Resolution System, which means that defendants are given the opportunity to meet with the prosecutor to attempt to resolve their matter rather than going directly to trial. The Municipal Prosecutor has been provided a separate office to facilitate these private resolution meetings.

Since 2020, the meetings with the municipal prosecutor have been held by telephone. Any agreements that are reached are then adjourned to a remote court date (Zoom platform) where the plea is taken and the amendment formalized by the Justice of the Peace who may be presiding in-person or remotely.

Accessibility:

Staff has completed training in “Accessible Customer Service”.

The staff schedule interpreters as requested by the defendant or as ordered by the court. The right to adequate court interpretation is entrenched in the Canadian Charter of Rights and Freedoms. Twice a year we are provided with a bilingual Justice of the Peace and all French trial requests are scheduled for these dates.

Legislative changes have modernized many Court processes. Documents and applications can be filed by e-mail.

Key Stakeholders

- County Council
- Taxpayers of the County of Perth

- General Public
- The Judiciary
- Police Enforcement Agencies
- Ministry of the Attorney General
- Crown Attorney's Office
- Municipal Prosecutors
- Ontario Court of Justice – Provincial Division
- Probation and Parole
- Ministry of Transportation
- Defaulted Fines Control Centre
- Service Ontario
- Collections Agencies
- Ministry of Environment
- Ministry of Finance
- Ministry of Labour
- Ministry of Natural Resources
- Ontario Society for Prevention of Cruelty to Animals
- Perth District Health Unit
- Local Tier Municipalities

Core Businesses/Services

- Court Monitor, Court Reporter, Clerk of the Court, Zoom facilitator
- Trial and court appearance coordination of resources and availability of judiciary, crown and defendant(s)
- Preparation of transcripts in accordance with Ministry of Attorney General standards when resources permit. Larger transcripts are sent out for production.
- Court administration: case management, tracking courtroom utilization.
- Cashier, processing payments: balancing daily cash receipts
- Providing explanation of options to defendant
- Providing application forms (extension, reopening, appeal)
- Monitoring payment plans, mailing out collection notices, enforcing defaulted fines
- Monitoring performance of collection agencies
- Preparing statistical information as required by the Regional Senior Justice of the Peace
- Bookkeeper: balancing all monies, investigating incorrect payments and balancing month-end

Legislated Standards

- *Provincial Offences Act*, R.S.O. 1990, c. P. 33
- 150 Statutes that are administered by the Provincial Offences Court
- *Evidence Act*, R.S.O. 1990, c. E.23
- *Municipal Act, 2001, 2001*, S.O. 2001, c.25
- Payment Card Industry Data Security Standard
- County of Perth By-laws & Policies
- *Municipal Freedom of Information and Protection of Privacy Act*. R.S.O. 1990, c. M.56 (MFIPPA)
- *Employment Standards Act, 2000*, S.O. 2000, c. 41
- Ministry of Attorney General Best Practices

Program Maps

Trial Coordination	Court Administration	Prosecutions
Justice of the Peace Scheduling Coordination	Case Management	Manage Early Resolution Meetings
Coordination of counsel and judiciary for court appearances	Fine collection and ensuring funds are properly applied to case	Support/Coordinate with police for court appearances
Trial scheduling	Respond to inquiries from the general public	Assess & prosecute cases, summarize evidence and make recommendations for judgement
Assist Early Resolution Meetings	Record courtroom utilization	
Court Monitor		
Clerk of the Court		
Ensure accurate court recording for legal and judicial transcripts		
Manage information and certificates before the court		
Judiciary support		

Major Initiatives for 2022, 2023, 2024

Due to the COVID-19 Pandemic, the Provincial Offences Courts have been closed to in person appearances by order of the Chief Justice from March 15, 2020 up to and including August 2021 (the date of the updating of this business plan). This has had a profound

impact on our operations and has required substantial adjustments to the Division's operating procedures. The Regional Senior Justice of the Peace has given court staff the authority to administratively adjourn cases. Appropriate notices have been produced and defendants have been contacted by mail, e-mail or phone in accordance with legislative requirements.

Audio courts have been held since July 7 for all non-trial matters which include guilty pleas and matters that are resolved to a lesser charge. The prosecutor meets with defendants by telephone to discuss their cases and offer resolutions where appropriate. On a separate date, the plea is taken on the record.

Court appearances have all migrated to the Zoom platform. Trials are conducted by video appearance. Defendants or their agents may choose if they wish to use video or audio only for all non-trial court appearances.

The Ministry of Attorney General Recovery Secretariat notified Perth County Provincial Offences Court Services that the Division could take the next steps towards returning to in-person court appearances. Current to September 2021, the division is in the process of seeking municipal approval from County Council for in-person court appearances, with current precautions to remain in place. Once municipal approval has been received, the Division will formalize the process to permit some matters to be scheduled for in-person court appearances.

To mitigate the risk of COVID-19 to staff and the public, the Perth County Courthouse has been renovated to include central reception where the public are screened and occupancy numbers are controlled by staff. The prosecutor has been relocated to a separate office and has been provided with a waiting room for those defendants that appear in person. The Court Administration office has been renovated to update and improve the original wicket, add a second wicket for overflow traffic and to give the staff more space to assist with physical distancing.

Modernization efforts will continue as the responsibility for registering convictions for failing to respond, granting extensions, and reopening applications are migrated to the clerk of the court. Specific instructions and considerations will be provided to the clerks, but appropriate training will be required.

Key Linkages with Strategic Plan

The Provincial Offences Division collects fine revenue and operates the Provincial Offences Court on behalf of our local municipal partners.

Court dockets are reconciled to ensure accuracy. Deposits are reconciled daily. Monthly analysis by location of offence ensures that these funds are distributed in accordance with the local side agreement between all Perth County municipalities.

As such, the Division's actions link with **Goal 2: Regional & Service Effectiveness** and **Goal 3: Customer Service Excellence**, of the County's 2019-2022 Strategic Plan.

The Division continues to work as efficiently as possible. By adopting an electronic document policy, the Division has made the court more conveniently accessible. Daily and monthly reports are received and stored electronically resulting in a reduction of the amount of paper used and consequentially the amount of storage required.

Staff sends court appearance notices and correspondence by e-mail when we have permission from the recipient to do so.

A POA/Prosecution Intern was hired in fall of 2020. The Intern has been responsible for receiving and processing the electronic briefs, providing disclosure, scheduling meetings, and preparing all documents for the Municipal Prosecutor. The Intern has been very efficient and organized in these duties, leaving the Municipal Prosecutor's time available for early resolution meetings, trial preparation, and court appearances.

The Division had the benefit of a summer student from May to the end of August in years prior to COVID-19. The summer student provides much-needed staffing support during the busy summer season, while gaining valuable experience. The Division looks forward to hiring a student again for the summer of 2022.

Program Delivery Plan

How will the program be delivered and at what level?

- 1 Manager of Court Services
- 3 Court Services Clerks
- 1 Prosecution Assistant
- 1 Summer student (May through August)
- Office hours 8:30 a.m. to 4:30 p.m., Monday to Friday

What changes will impact program delivery in the future?

- Changes Mandated by Other Levels of Government
 - Amendments to *Municipal Act, 2001*
 - Amendments to *Provincial Offences Act*
 - Bill 177, *Stronger, Fairer Ontario Act (Budget Measures), 2017*
 - Changes to other Acts and Regulations
- Download of Part III Prosecutions to the Municipal Partner
- Direction Received from County Council and CAO
 - Structure of County operations
 - Policy decisions

Financial Allocation/Deployment Plan

Service	FTE Requirements by Year			
	2021	2021	2022	2023
Provincial Offences Administration Division				
Total Program FTE Requirements	5.03	6.33	6.20	6.20

FTE Variances

- Changes to document management and remote appearances have created more work for staff.
- There is some overlap in early 2022 as the current manager is retiring and we are planning for an overlap of two months.
- Change to staffing level: We are requesting authorization to hire a full-time permanent assistant to the prosecutor. The Prosecution Assistant will prepare dockets, receive and file electronic briefs and provide disclosure more efficiently and cost-effectively, allowing the prosecutor to attend to trial preparation, file review, and court appearances.
- The Division hopes to return to hiring a summer student commencing 2022.

Training and Development

- Court Services Clerks – 2022 professional development budget allows the following opportunities for staff:
 - Clerk/Monitor training, ICON training
 - Bill 177 training
 - Trial Coordinator Meetings
- Manager of Court Service – 2022 professional development budget allows for the following conference:
 - Municipal Court Manager’s Association Conference
 - MCMA Committee Meetings
 - Annual MCMA-POA Collections Conference
- Attendance at any training, conference, or meeting will depend on the outcome of the pandemic. As of this moment, all meetings are attended remotely.

Comments

Revenue for the Provincial Offences Division is difficult to predict as it relies upon a number of factors. Budgeted revenue and net distribution are based on a 5-year average. Final revenue distribution is based on the location of the offence.

Under section 1.3.2 of the Memorandum of Understanding, the County is responsible for providing a municipal prosecutor for proceedings under Part I of the *Provincial Offences Act*. The cost to provide municipal prosecution services continues to increase. It appears that defendants find the early resolution option less intimidating than the trial option and as a result, the Division is receiving more requests for early resolution meetings. The impact of demerit points and convictions on insurance rates seems to motivate drivers toward this option as well. Court days are quite full and the municipal prosecutor sub-contracts a second municipal prosecutor to improve the flow of persons in and out of the courthouse.

On August 2, 2017, the Province notified the C.A.O. that they will be proceeding with the download of most Part III prosecutions (more serious criminal matters) to the municipal partners. This is projected to increase our prosecution expenses by 51% per year. Part III matters are the more complex cases and more serious charges. Every person charged under Part III is summoned to court and in all cases where a person does not appear for court, an ex-parte trial is required in order to register a conviction.

More preparation time is required and more court time is required. As of August 2021, the province has not moved forward with the download of Part III prosecutions.

The same person has provided prosecution services to the County for Part I prosecutions and to the Crown for Part III prosecutions for an extended period of time. This has proven to be a more efficient way to deliver the service from an operational standpoint. The download, when it eventually happens, will increase costs for the Division.

COVID-19 has had an operational impact in 2020 that has resulted in a 27% reduction in charges filed from the yearly average. Revenue shows a 17% reduction from the yearly average. The Chief Justice of Ontario issued an Order under section 85 halting all convictions under section 9 of the *Provincial Offences Act*. As such, there are charges that remain unanswered and without a conviction from January 2020. Courts cannot take any action on these charges until such time as a conviction is registered and enforcement permitted, which reduces the Division's revenue.

In March 2021, the Fail to Respond Dockets were reproduced and a Justice of the Peace was assigned to review and convict these cases. We had 941 backlog cases that were reviewed and convictions registered.

By the end of June 2021, eligible cases where defendants did not respond to their Notice of Fine and Due Date and their Final Notice were enforced by licence suspension.

As of August 2021, the Provincial Offences Court Services Office has returned to normal timelines.